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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,648	01/03/2002	Doug Smith	10160/6	6540

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EXAMINER

HEITBRINK, JILL LYNNE

ART UNIT PAPER NUMBER

1732

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,648

Applicant(s)

SMITH ET AL.

do

Examiner

Jill L. Heitbrink

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>040802</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 14-16, 18 and 19 should be dependent from claim 13.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 8, 12, 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Webster (Pat. No. 4,017,237).
6. Webster (col. 3, lines 36-col. 4, line 18) discloses a process and apparatus for sequentially injecting molten material including clamping the mold platens 7 and 8, injecting into a first mold cavity to fill and pack, holding material in the first mold cavity to begin cure, injecting material into a second mold cavity to fill and pack and holding material in the second mold cavity to cure. A time control is disclosed by Webster when describing the process steps, col. 3, lines 58- col. 4, line 5. The means for reducing flow are the gates and/or the filled mold cavity.

7. Claims 1-6, 8-13, 15-22, 24-30 and 32-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazmer et al. (Pat. No. 6,632,079). See Fig. 35.

8. The sequential filling of multiple cavities is disclosed (Kazmer et al. col. 11, lines 59-62). Linear transducer 820 measures the position of the screw ram and is supplied to the control unit. The cavity pressure transducers 824 and 826 are used to trigger the switchover in the target profiles of the cavities, see col. 25, line 30-col. 26, line 31.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6, 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster (Pat. No. 4,017,237) taken together with Tarr et al. (Pat. No. 5,919,492).

11. Webster (col. 3, lines 36-col. 4, line 18) discloses a process and apparatus for sequentially injecting molten material including clamping the mold platens 7 and 8, injecting into a first mold cavity to fill and pack, holding material in the first mold cavity to begin cure, injecting material into a second mold cavity to fill and pack and holding material in the second mold cavity to cure. A time control is disclosed by Webster when describing the process steps, col. 3, lines 58- col. 4, line 5. The means for reducing flow are the gates and/or the filled mold cavity. Tarr et al. teach the use of the screw

position to control the opening sequence of the valves to the mold cavities. It would have been obvious to a person of ordinary skill in the art to use the teaching of Tarr et al. in Webster since Tarr et al. (col. 1, line 38-50) is an improvement of the timed control of Webster.

12. Claims 7, 13-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Webster (Pat. No. 4,017,237) taken together with Hunerberg et al. (Pat. No. 5,135,703).

13. Hunerberg et al teach the use of mold cavities with multi-gate mold cavities. It would have been obvious to a person of ordinary skill in the art that the multiple cavities in Webster would have multiple gates depending on the article (size and shape) being molded.

14. Claims 7, 14, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazmer taken together with Hunerberg et al. (Pat. No. 5,135,703).

15. Hunerberg et al teach the use of mold cavities with multi-gate mold cavities. It would have been obvious to a person of ordinary skill in the art that the multiple cavities in Kazmer would have multiple gates depending on the article (size and shape) being molded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill L. Heitbrink whose telephone number is 571-272-1199. The examiner can normally be reached on Monday - Friday 9:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on 571-272-1196. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jill L. Heitbrink
Primary Examiner
Art Unit 1732

jlh